

REMARKS

Claims 1 and 22 have been amended in several particulars for purposes of clarity and brevity that are unrelated to patentability and prior art rejections. Claim 30 has been added. Claims 1-4, 7-11, 14, 15, 17, 22, 23 and 30 are pending and under consideration. No new matter is presented in this Amendment. Claims 1, 8, 22 and 30 are the independent claims.

Newly added claim 30 distinguishes from the references cited, since none of the references cited teach or suggest at least a disk state data including an address of a predetermined area of an optimum power control (OPC) area and an address of a predetermined area of a drive data area.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1-4, 7-11, 14, 22, and 23 are rejected under 35 U.S.C. §102(b) as being anticipated by Kondo (U.S. 5,177,720).

Regarding the rejection of claim 1, it is noted that claim 1 recites an optical information storage medium, comprising: a user data area for recording user data; and an area other than the user data area, comprising: a reproduction-only area; and a recordable area wherein disk state data is recorded in the recordable area when a recording of a predetermined data is completed, wherein the disk state data includes at least one of an address of a predetermined area of an optimum power control (OPC) area, and an address of a predetermined area of a drive data area.

The Office Action states that Kondo teaches recording data about a disk state and cites column 7, line 15 to column 8, line 25. However, a careful review of this citation fails to reveal anything related to recording data about a disk state. As a matter of fact, nowhere in Kondo is "disk state" mentioned.

Furthermore, Kondo makes no reference to the disk state data including at least one of an address of a predetermined area of an optimum power control (OPC) area, and an address of a predetermined area of a drive data area, as recited in independent claim 1.

Accordingly, Applicants respectfully assert that the rejection of claim 1 under 35 U.S.C. § 102(b) should be withdrawn because Kondo fails to teach or suggest each feature of independent claim 1.

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)."

Furthermore, Applicants respectfully assert that the rejection of dependent claims 2-4 and 7 under 35 U.S.C. §102(b) should be withdrawn at least because of their dependency from claim 1 and the reasons set forth above, and because the dependent claims include additional features which are not taught or suggested by the prior art. Therefore, it is respectfully submitted that claims 2-4 and 7 also distinguish over the prior art.

Regarding the rejection of claim 8, it is noted that this claim recites some substantially similar features as claim 1. Thus, the rejection of this claim is also traversed for the reasons set forth above.

Regarding the rejection of claims 9-11 and 14, it is noted that these claims depend from claim 8 and as noted above, Kondo fails to teach or suggest the novel features of claim 8. Accordingly, Applicants respectfully assert that the rejection of dependent claims 9-11 and 14 under 35 U.S.C. §102(b) should be withdrawn at least because of their dependency from claim 8, and because the dependent claims include additional features which are not taught or suggested by the prior art.

Regarding the rejection of independent claim 22, it is noted that claim 22 recites a method of accessing an area on an optical storage medium where new user data is to be recorded, comprising: recording, in a predetermined area of the optical storage medium, disk state data, when a recording of user data is completed, wherein the disk state data includes at least one of an address of an area containing newly recorded optimum power control (OPC) data, and an address of an area containing most recently recorded drive data, when new user data is to be recorded, accessing an area on the optical storage medium where the new user data is to be recorded, using recorded data about the disk state.

The Office Action states that Kondo teaches recording data about a disk state and cites column 7, line 15 to column 8, line 25. However, a careful review of this citation fails to reveal

anything related to recording data about a disk state. As a matter of fact, nowhere in Kondo is "disk state" mentioned.

Accordingly, the failure to provide an explanation of how these citations relate to disk state, coupled with the fact that Kondo does not, in fact, disclose disk state anywhere in the specification, leaves one with the conclusion that Kondo does not disclose this feature of the claim.

Accordingly, Applicants respectfully assert that the rejection of claim 22 under 35 U.S.C. § 102(b) should be withdrawn because Kondo fails to teach or suggest each feature of independent claim 22.

Regarding the rejection of claim 23, it is noted that this claim depends from claim 22 and as noted above, Kondo fails to teach or suggest the novel features of claim 22. Accordingly, Applicants respectfully assert that the rejection of dependent claim 23 under 35 U.S.C. §102(b) should be withdrawn at least because of its dependency from claim 22, and because the dependent claim includes additional features which are not taught or suggested by the prior art.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 15 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kondo in view of Fukushima et al. (U.S. 2001/0036136).

Regarding the rejection of claims 15 and 17, it is noted that these claims depend from claims 1 and 8 and as noted above, Kondo fails to teach or suggest the novel features recited in the independent claims.

Fukushima on the other hand is relied on for a teaching of an optimum power control zone and a drive zone. However, Fukushima fails to teach or suggest the novel features of claims 1 and 8 and thus fails to cure the deficiencies of Kondo.

Accordingly, Applicants respectfully assert that the rejection of claims 15 and 17 under 35 U.S.C. §103(a) should be withdrawn because neither Kondo nor Fukushima, whether taken singly or combined, teach or suggest each feature of independent claims 1 and 8 from which claims 15 and 17 depend.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

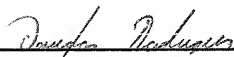
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: 11/16/07

By: 
Douglas X. Rodriguez
Registration No. 47,269

1400 Eye St., NW
Suite 300
Washington, D.C. 20005
Telephone: (202) 216-9505
Facsimile: (202) 216-9510